

REMARKS

Claim 9 is pending. No amendments have been made by way of the present submission, thus, no new matter has added. Additionally, Applicants submit that no new issues have been raised by way of the present submission which would require addition search and/or consideration on the part of the Examiner.

Additionally, in the event the present submission does not place the application in condition for allowance, entry thereof is respectfully requested as placing the application into better form for Appeal.

In view of the following remarks Applicants respectfully request that the Examiner withdraw all rejections and allow the currently pending claims.

Provisional Obviousness-Type Double Patenting

The Examiner has provisionally rejected claim 9 under the judicially created doctrine of obviousness-type double patenting as being obvious over claims 37, 40, 52, 56, 57, 75 and 76 (as well as apparently claim 59) of copending application no. 09/214,277. This is the parent application of the present application.

The Examiner has also provisionally rejected claim 9 under the judicially created doctrine of obviousness-type double patenting as being obvious over claims 1 and 2 of copending application 10/704,876. This is a copending Divisional application of the same parent application.

Applicants respectfully traverse.

Application No. 10/705,505
Amendment dated December 7, 2005
After Final Office Action of September 22, 2005

Docket No.: 0032-0280P

Applicants are submitting herewith a Terminal Disclaimer in the present application directed to copending application no. 09/214,277 and copending application no. 10/704,876. Accordingly, these rejections are moot. Reconsideration and withdrawal thereof are respectfully requested.

In view of the above, Applicants respectfully submit that the present application is in condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw all rejections and allow the currently pending claims.

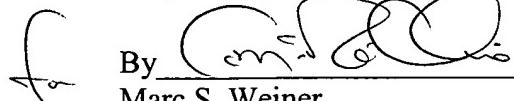
Conclusion

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Craig A. McRobbie (Reg. No. 42,874) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Dated: December 7, 2005

Respectfully submitted,

By  #42,874

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